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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,524	11/01/2001	Ari D. Kaplan	P1551USA	9108

24739 7590 09/07/2005

CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS, CA 95004

EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT PAPER NUMBER

2131

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,524	KAPLAN, ARI D.	
	Examiner	Art Unit	
	Kaveh Abrishamkar	2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment filed on June 23, 2005. Claims 1-28 were originally received for consideration. Per the received amendment, claims 1-28 have been cancelled and new claims 29-48 have been added. Claims 29-48 are currently being considered.

Response to Arguments

2. Applicant's arguments with respect to claims 29-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 29-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The independent claims 29 and 39 contain

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the limitations of "a first virtual private network (VPN) management software" and "a second VPN management software." There is no mention in the specification of any VPN software operating on a server. Therefore, the claims are viewed as containing subject matter which was not adequately described in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding claims 30 and 40 the phrase "or other similar device" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or other similar device"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 29-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Jamroga et al. (U.S. Patent No. 6,574,742).

Regarding claim 29, Jamroga discloses:

A wireless database management system, comprising:

first virtual private network (VPN) management software operating on at least one server providing Internet access to client-held wireless communication appliances, the VPN software limiting access to a subset of the wireless communication appliances that subscribe to the VPN (column 5 lines 49-62, column 7 lines 35-56), wherein wireless devices communicate with a database through the use of a VPN;

second VPN management software operating on at least one sever with access to the Internet and providing access to one or more databases associated with the subscribing subset of wireless communication devices (column 5 lines 49-62, column 7 lines 35-56), wherein the databases are connected to the Internet, and communicate via a VPN to the clients;

wherein the operation of the first and second VPN management software creates a VPN tunnel in the Internet restricted to data addressed to or from the subscribing subset of wireless communication appliances (column 5 lines 49-62, column 7 lines 35-56), wherein a VPN is used to connect the clients to the databases.

Claim 30 is rejected as applied above in rejecting claim 29. Furthermore, Jamroga discloses:

The wireless database management system of claim 29 wherein the wireless communication appliances are one of a personal digital assistant (PDA), cell phone, two-way pager or other similar device (column 7 lines 45-55), wherein the

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communication can be through cellular communications or other wireless communication, or wireless laptops with built in wireless LAN cards.

Claim 31 is rejected as applied above in rejecting claim 29. Furthermore, Jamroga discloses:

The wireless database management system of claim 29 wherein the first virtual private network (VPN) management software operating on at least one server providing Internet access to client-held wireless communication appliances is a VPN-controlled wireless proxy server securing data transferred between the client-held wireless communication appliances and the Internet (column 7 line 60 – column 8 line 9), wherein a proxy server is used as an intermediary between the participants network and the modalities and the central database.

Claim 32 is rejected as applied above in rejecting claim 29. Furthermore, Jamroga discloses:

The wireless database management system of claim 29, wherein the data transfers between the server providing Internet access to client-held wireless communication appliances are encrypted with a public key method (column 9 lines 8-13), wherein all communications are digitally encrypted.

Claim 33 is rejected as applied above in rejecting claim 29. Furthermore, Jamroga discloses:

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The wireless database management system of claim 29, wherein the data transfers between the server with access to the Internet and providing access to one or more databases associated with the subscribing subset of wireless communication devices are encrypted with a private key method (column 9 lines 8-13), wherein all communications are digitally encrypted.

Claim 34 is rejected as applied above in rejecting claim 29. Furthermore, Jamroga discloses:

The wireless database management system of claim 29, wherein users of the wireless communication appliances are authenticated before allowing access to the databases.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamroga et al. (U.S. Patent No. 6,574,742) in view of Ludovici et al. (U.S. Patent No. 6,636,898).

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Claim 35 is rejected as applied above in rejecting claim 29. Furthermore, Jamroga discloses:

The wireless database management system of claim 29, wherein software implemented on the server with access to the Internet and providing access to one or more databases sets an adjustable timeout for connections between the wireless communication appliances and the server. Jamroga does not explicitly mention setting an adjustable timeout for connections between wireless communications devices and the server. Ludovici et al. (U.S. Patent No. 6,636,898) discloses the ability to control connections to a VPN manually by setting timeouts on VPN connections. Ludovici states that this control over VPN connections by setting timeouts is for "security reasons and connection manageability reasons" (column 1 lines 57-65). Furthermore, Ludovici states that is management of connections allows control over connections that may become compromised (column 1, lines 55-65), and further states that without control of the tunnel endpoints "it is not possible to insure that the system isn't compromised in some way, and that the resulting IPSec tunnel or the VPN connection isn't compromised" (column 1 lines 66-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the dynamic timeout feature of Ludovici to allow more security to prevent compromising of the VPN tunnel, and if the VPN tunnel is compromised to allow the dynamic timeout of that connection to prevent further security compromises.

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Claim 36 is rejected as applied above in rejecting claim 35. Furthermore, Jamroga discloses:

The wireless database management system of claim 35. Jamroga does not explicitly disclose the server identifying a session between the wireless communication appliances and the server with a session identification phrase, and storing the session identification phrase in memory. Ludovici discloses a connection name (Figure 11, item 260), which contain a connection definition (Figure 12 item 26). The connection definition (session ID) is a database entry which defines all attributes of the connection (column 8 lines 7-10). It would have been obvious, in light of the reasoning given above for claim 35, to use a connection ID (session ID) so that each VPN connection can be omitted and if necessary, initiating a intentional time-out.

7. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jamroga et al. (U.S. Patent No. 6,574,742) in view of Baker et al. (U.S. Patent No. 5,696,898).

Claim 37 is rejected as applied above in rejecting claim 29. Furthermore, Jamroga discloses:

The wireless database management system of claim 29. Baker discloses using a firewall between the Internet and the proxy server which has access to the databases (Figure 1, item 113). Baker uses the firewall so that any outside users without the proper credentials who are not in an authorized access group will be denied access.

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Therefore it would have been obvious to use the firewall of Baker in the system of Jamroga in order to prevent the unauthorized access of users not in the particular access group.

Claim 38 is rejected as applied above in rejecting claim 37. Furthermore, Jamroga discloses:

The wireless database management system of claim 37, wherein a second firewall is implemented between the server and the databases (column 13 lines 1-4), wherein it is disclosed "the warehouse server also preferably performs gateway or security functions by regulating the types of transactions allowed to be processed" (column 12 line 66 - column 13 line 1) and further "communications transmitted from unknown users are blocked by the multiplexer/gateway 36, or software equivalents, thereby preventing unauthorized access to the central database 12" (column 13 lines 1-4).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KA
09/02/2005

Cell
Primary Examiner
AV 2131
9/16/05